

## REMARKS

New Claims 14 – 20 have been added to claim various types of products containing the encapsulated flavoring preparation. Support is shown in the Specification on page 12, lines 13 – 20.

Claims 1 and 2 have been amended to incorporate the elements of Claims 3 and 4.

Claims 1 – 10, 12 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over Johnson (U.S. Patent No. 4,576,737) or Cherukuri, et al. (U.S. Patent No. 5,004,595). Newly amended Claim 1 of the present invention claims encapsulated flavoring preparations and/or perfume preparations by means of continuous fluidized-bed spray agglomeration in which a flavoring preparation and/or perfume preparation is sprayed into a fluidized bed having granulation nuclei and in which the mean residence time of the flavoring preparation and/or perfume preparation sprayed in is less than 20 minutes in the fluidized bed and in that the granulation nuclei are produced internally in the fluidized bed. Claim 2 claims a process for producing encapsulated flavoring preparations and/or perfume preparations of Claim 1. Claims 5 – 10 and 12 are directly or indirectly dependent on Claim 2. Claim 13 claims a food product comprising the encapsulated flavoring preparation.

The Examiner indicates that Johnson discloses an encapsulated flavor composition wherein a carrier is used to form an emulsion and the emulsion is sprayed into a fluidized bed agglomerator charged with a small quantity of particulate carrier or small encapsulates.

Cherukuri, et al. discloses a multiple encapsulated flavor delivery system and method where the flavor is encapsulated using a fluidized bed type process.

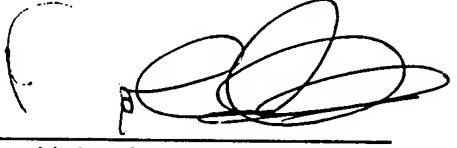
Both Johnson and Cherukuri, et al., however, disclose only a conventional batch-operated fluidized bed process, wherein the presently claimed invention discloses a continuous process.

Furthermore, the presently claimed invention claims a short mean residence time of less than 20 minutes, which is neither disclosed nor suggested by Johnson or Cherukuri, et al.

Accordingly, the Applicant's respectfully submits that the presently claimed invention of Claims 1 – 2, 5 – 10 and 12 - 13 are not anticipated by, or in the alternative, obvious over Johnson or Cherukuri, et al.

For any and all of the aforementioned reasons, reconsideration and early allowance of all pending claims is courteously requested.

Respectfully submitted,

By 

Noland J. Cheung  
Attorney for Applicants  
Reg. No. 39,138

Bayer Corporation  
100 Bayer Road  
Pittsburgh, Pennsylvania 15205-9741  
(412) 777-8338  
FACSIMILE PHONE NUMBER:  
(412) 777-5449  
s/rmc/njc0208

## VERSION WITH MARKED CHANGES

### IN THE CLAIMS:

Claims 3 and 4 have been cancelled.

The claims have been amended as follows:

1. (Amended) Encapsulated flavouring preparations and/or perfume preparations by means of continuous fluidized-bed spray agglomeration in which a flavouring preparation and/or perfume preparation is sprayed into a fluidized bed having granulation nuclei and in which the mean residence time of the flavouring preparation and/or perfume preparation sprayed in is less than 20 minutes in the fluidized bed and in that the granulation nuclei are produced internally in the fluidized bed.

2. (Amended) Process for producing encapsulated flavouring preparations and/or perfume preparations, produced by continuous fluidized-bed spray agglomeration, in which a flavouring preparation and/or perfume preparation is sprayed into a fluidized bed having granulation nuclei, characterized in that wherein the mean residence time of the flavouring preparation and/or perfume preparation sprayed in is less than 20 minutes in the fluidized bed and in that the granulation nuclei are produced internally in the fluidized bed.

The following claims have be added:

--14. A hygiene product comprising an encapsulated flavoring preparation prepared by means of fluidized-bed spray agglomeration in which a flavoring preparation is sprayed into a fluidized bed having granulation nuclei and in which the mean residence time of the flavoring preparation sprayed in is less than 20 minutes in the fluidized bed.

15. A hygiene product according to Claim 14, wherein said hygiene product is an oral hygiene product.

16. A cosmetic product comprising an encapsulated flavoring preparation prepared by means of fluidized-bed spray agglomeration in which a flavoring preparation is sprayed into a fluidized bed having granulation nuclei and in which the mean residence time of the flavoring preparation sprayed in is less than 20 minutes in the fluidized bed.

17. A pharmaceutical product comprising an encapsulated flavoring preparation prepared by means of fluidized-bed spray agglomeration in which a flavoring preparation is sprayed into a fluidized bed having granulation nuclei and in which the mean residence time of the flavoring preparation sprayed in is less than 20 minutes in the fluidized bed.

18. A soap product comprising an encapsulated flavoring preparation prepared by means of fluidized-bed spray agglomeration in which a flavoring preparation is sprayed into a fluidized bed having granulation nuclei and in which the mean residence time of the flavoring preparation sprayed in is less than 20 minutes in the fluidized bed.

19. A detergent product comprising an encapsulated flavoring preparation prepared by means of fluidized-bed spray agglomeration in which a flavoring preparation is sprayed into a fluidized bed having granulation nuclei and in which the mean residence time of the flavoring preparation sprayed in is less than 20 minutes in the fluidized bed.

20. A household product comprising an encapsulated flavoring preparation prepared by means of fluidized-bed spray agglomeration in which a flavoring preparation is sprayed into a fluidized bed having granulation nuclei and in which the mean residence time of the flavoring preparation sprayed in is less than 20 minutes in the fluidized bed.--